

United States District Court
Northern District of Indiana
Hammond Division

FUND RECOVERY SERVICES, LLC)

Plaintiff,)

v.)

Civil Action No.: 2:21-cv-00093-PPS-JEM

RAVIV WOLFE)

KATHERINE WOLFE)

Defendants,)

MOTION TO DISMISS COMPLAINT

Come now Defendants, Raviv Wolfe and Katherine Wolfe, by and through their counsel, Daniel L. Freeland & Associates, P.C., and hereby sets forth this Motion to Dismiss Complaint pursuant to Federal Rules of Civil Procedure 12(b)(6), and in support thereof state as follows:

1. Plaintiff filed a two count complaint against Defendants on March 15, 2021, alleging counts for both actual and constructive fraud due to an alleged transfer of real estate in 2017 between the Defendants in violation of I.C. 32-18-2-14 and 32-18-2-15.

2. Plaintiff has alleged jurisdiction lies in this Court pursuant to 28 U.S.C. §1332(a) as the amount in controversy exceeds \$75,000.00, along with diversity of citizenship.

3. Contemporaneous with this Motion, Defendants have filed a Memorandum in Support of this Motion, which is incorporated as if fully stated herein.

4. As reflected in the Memorandum in Support, Defendants seek dismissal of all counts pursuant to Federal Rule of Civil Procedure 12(b)(6), for failing to state a cognizable claim, predicated upon the failure to adequately plead required elements in conjunction with each asserted claim under Indiana Uniform Fraudulent Transfer Act (I.C. 32-18-2-14 and 15).

WHEREFORE, for the reasons set forth herein and as detailed in the Memorandum In Support of Motion to Dismiss Complaint, Defendants respectfully request that this Court dismiss Plaintiff's Complaint.

Respectfully submitted:

DANIEL L. FREELAND & ASSOCIATES, P.C.

/s/ Daniel L. Freeland
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CERTIFICATE OF SERVICE

I hereby certify that on the _____ day of November 2021, a copy of the attached was filed electronically with the Clerk of the Court using the CM/ ECF System, which sent notification of such filing to all counsel of record.

/s/ Daniel L. Freeland
Daniel L. Freeland